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APPLICATION NO.	FII	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,104	0	2/04/2000	Paul M Scopton	1001.1375101	8323
7:	590	03/20/2002			
Robert E Atki	nson			EXAM	INER
Crompton Seag 331 Second Av				DESANTO, N	ATTHEW F
Suite 895 Minneapolis, MN 55401-2246			ART UNIT	PAPER NUMBER	
				3763	
				DATE MAIL ED: 03/20/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

	•	•	De De					
<u> </u>		Application No.	Applicant(s)					
		09/498,104	SCOPTON, PAUL M					
	Office Action Summary	Examiner	Art Unit					
		Matthew F DeSanto	3763					
	The MAILING DATE of this communication ap	pears on the cover sheet with	the correspondence address					
Period fo		VIO CETTO EXPIRE 4 MO	NITH(S) EDOM					
THE N - Exter - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a repriod for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statutely received by the Office later than three months after the mailing aparent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a repoly within the statutory minimum of thirty will apply and will expire SIX (6) MONT!	ly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).					
Status								
- 1)	Responsive to communication(s) filed on		·					
. 2a)□	,	his action is non-final.	And the promite in					
3)	Since this application is in condition for allow closed in accordance with the practice under	rance except for formal matter of Ex parte Quayle, 1935 C.D.	ers, prosecution as to the ments is					
Dispositi	on of Claims	;						
4)⊠.	Claim(s) 1-20 is/are pending in the application	n.						
	4a) Of the above claim(s) is/are withdra	awn from consideration.						
5)	Claim(s) is/are allowed.							
6)	Claim(s) is/are rejected.							
7)	Claim(s) is/are objected to.							
8)⊠	Claim(s) 1-20 are subject to restriction and/or	election requirement.						
	ion Papers							
• •	The specification is objected to by the Examin	er.						
, —	The drawing(s) filed on is/are: a)☐ acc		e Examiner.					
	Applicant may not request that any objection to t							
11)	The proposed drawing correction filed on	_ is: a)□ approved b)□ dis	sapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.								
12)[The oath or declaration is objected to by the E	xaminer.						
Priority (under 35 U.S.C. §§ 119 and 120							
13)	Acknowledgment is made of a claim for foreign	gn priority under 35 U.S.C. §	119(a)-(d) or (f).					
	☐ All b)☐ Some * c)☐ None of:							
•	1. Certified copies of the priority documer	nts have been received.						
	2. Certified copies of the priority documen	nts have been received in Ap	pplication No					
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).								
	* See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
15) <u> </u>	a)	rovisional application has be stic priority under 35 U.S.C.	§§ 120 and/or 121.					
Attachme	nt(s)	_						
2) Noti	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of I	Summary (PTO-413) Paper No(s)nformal Patent Application (PTO-152)					

Application/Control Number: 09/498,104

Art Unit: 3763

Election/Restrictions

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, are drawn to biliary catheter, classified in class 604, subclass 96.01.
 - II. Claims 18-20, are drawn to method of using a biliary catheter, classified in class 604, subclass 165.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice another and materially different process such as the catheter (invention I) can be used to perfuse fluid into the heart in an angioplasty procedure.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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4. A telephone call was made to David M. Crompton on March 5, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F DeSanto whose telephone number is 1-703-305-3292. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 1-703-308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are 1-703-872-9302 for regular communications and 1-703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-0858.

BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700